

Kansas Sexual Assault Kit Initiative
SEXUAL ASSAULT EVIDENCE COLLECTION KIT
SUBMISSION, RETENTION & DISPOSAL
Kansas Model Policy
May 2022

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This policy is intended to allow for the individual needs of law enforcement agencies in the State of Kansas, regardless of size or resources. Law enforcement agencies are encouraged to customize these protocols to meet their local needs to fulfill the statutory requirement for all law enforcement agencies in Kansas to have written policies in place no later than January 31, 2023. That law also requires the policy to be developed in collaboration with the county or district attorney. This policy is non-binding upon agencies and is meant to serve as a guide to be used in developing a department's individual policy. Any deviations or variations from this policy do not invalidate a sexual assault investigation.

I. Purpose

- A. The purpose of this policy is to assure proper handling of evidence and compliance with state statutes for submitting sexual assault evidence collection kits to a forensic laboratory, retaining them within their property rooms, and eventual disposal of evidence.

II. Definitions

- A. Anonymous Kits: sexual assault evidence collection kits that are collected by medical personnel but are not reported to law enforcement at the request of the victim.¹
- B. Sexual Assault Evidence Collection Kit (SAECK): a package of items used by medical personnel to gather and preserve physical evidence from a victim's body following a report of a sexual assault; may also be referred to by other names, such as a rape kit, sexual assault kit (SAK), or a sexual assault forensic evidence (SAFE) kit.

III. Policy

A. Submission of Sexual Assault Evidence Collection Kits to a Forensic Laboratory

- 1. It is the policy of this law enforcement agency that all sexual assault evidence collection kits that correspond to a report of sexual assault shall be submitted to the appropriate forensic laboratory for analysis within 30 business days from the collection of the kit for processing.

¹ Anonymous kits do not include incidences that are required by state statutes to mandatorily report, such as sexual abuse of a child or vulnerable adult.

B. Retention and disposal of Sexual Assault Evidence Collection Kits

1. All sexual assault evidence collection kits shall be retrieved from medical facilities as soon as practical to the 30-day requirement for submission to a forensic laboratory. The exam evidence shall be stored in accordance with agency's evidence policies.
2. Sexual assault evidence collection kits that have been returned from a forensic laboratory after analysis shall be stored in accordance with this agency's evidence policies.
3. For sexual assault evidence collection kits related to an investigation that has resulted in charges being filed, the exam evidence shall only be disposed of after securing an order of the court.
4. For sexual assault evidence collection kits related to a conviction, the exam evidence shall be retained until all appeals have been exhausted.
5. For sexual assault evidence collection kits related to an investigation that has not resulted in charges being filed, the exam evidence shall be retained until the expiration of the applicable statute of limitations or up to 20 years, whichever is shorter.²

C. Distribution of Forensic Laboratory Reports

1. Upon receipt of the laboratory report(s) on sexual assault evidence, the report(s) shall be distributed to the case file, the lead investigator assigned to the case, and to the county/district attorney if a case has been filed for prosecution.

D. Anonymous Kits

1. Anonymous kits are not to be retained by this law enforcement agency. The collecting medical facility shall directly report and submit all anonymous kits to the Kansas Bureau of Investigation Forensic Laboratory to be kept for up to 20 years.³
2. Anonymous kits shall not be tested in accordance with the Kansas bill of rights for victims of crime.⁴

E. Training

1. This agency is responsible for providing training to carry out this policy. Personnel should be made aware of this policy and its contents.

F. Additional Considerations

² Pursuant to Rights of Sexual Assault Survivors [Public Law No. 114-236](#) (a)(3), a sexual assault survivor has the right to "have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter."

³ [K.S.A. 65-448](#) (b) "All sexual assault kits collected that are not released to law enforcement shall be sealed by either the sexual assault nurse examiner program or the facility that provided the examination and kept for 20 years in the evidence storage facilities of the Kansas bureau of investigation. After five years, such kits shall be destroyed by the Kansas bureau of investigation."

⁴ [K.S.A. 74-7333](#) (a) (1) "Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system."

1. It is recommended that, in addition to this policy, agencies consider utilizing the *Kansas Model Policy for Investigating Sexual Assault*.⁵

⁵ *Kansas Model Policy for Investigating Sexual Assault* can be found on the KBI SAKI website:
<http://www.kansas.gov/kbi/saki.shtml>